

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, Nevada 89101
Telephone: (702) 728-5300; Fax: (702) 425-8220
Email: maggie@nvlitigation.com
Attorney for Plaintiff Mary Benson

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY BENSON, an individual,
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity; and,
BRET EMPEY, in his official capacity as
Sergeant of the Las Vegas Metropolitan
Police Department;
Defendants.

Case. No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES**

(THIRTEENTH REQUEST)

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY ("LVMPD Defendants"), by their respective counsel, hereby submit this Stipulation and Order to Extend Discovery Deadlines (Twelfth Request) to request the Court to extend discovery deadlines by sixty (60) days as follows:

I. DISCOVERY CUT-OFF DEADLINES

A. The discovery cut-off date shall be rescheduled from February 10, 2023, to **April 11, 2023**;

B. The deadline to file dispositive motions shall be rescheduled from March 13, 2023, to **May 12, 2023**; and

C. The deadline to file the Joint Pretrial Order shall be rescheduled from April 12, 2023, to **June 12¹, 2023**. If dispositive motions are filed, the deadline for

¹ 60 days from April 12, 2023, is Sunday, June 11, 2023. The following business day is June 12, 2023.

1 filing the joint pretrial order will be suspended until thirty (30) days after decision on the
2 dispositive motions or further court order.

3 **II. REASON FOR THE REQUESTED EXTENSION**

4 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the
5 extension requested and is not made for the purposes of delay. The Parties have been
6 diligently conducting discovery. This request for an extension is made in good faith and
7 joined by all the parties in this case.

8 Pursuant to Local Rule 26-4, a stipulation to extend a deadline set forth in a
9 discovery plan must be submitted to the Court no later than twenty-one (21) days before the
10 expiration of the subject deadline, and that a request made within twenty-one (21) days must
11 be supported by a showing of good cause. Here there is good cause to extend the discovery
12 deadline, notwithstanding the fact that the current date is more than twenty-one (21) days
13 before the expiration of the subject deadline.

14 Trial is not yet set in this matter and dispositive motions have not yet been filed.
15 Accordingly, this extension will not delay this case. Moreover, since this request is a joint
16 request, neither party will be prejudiced. The extension will allow the parties necessary time
17 to determine if they can resolve this case and then complete discovery. The parties have been
18 continuing to work towards possible resolution of the matter. Counsel have also several
19 competing deadlines in other matters, such as responding to a motion for summary judgment
20 in a civil rights matter before the federal court and oral argument for the Ninth Circuit Court
21 of Appeals. Further, both counsel for Plaintiff and counsel for Defendants have had
22 extraordinary workloads, family obligations, and travel. Thus, this request for an extension
23 is made because of the extraordinary circumstances.

24 **III. STATUS OF DISCOVERY EFFORTS TO DATE**

25 The following discovery has been completed to date:

26 1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of
27 Documents and Witness List on January 6, 2020;

28 2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of

1 Documents and Witness List on January 7, 2020;

2 3. LVMPD Defendants propounded their First Set of Requests for Production
3 of Documents to Plaintiff Mary Benson on January 17, 2020;

4 4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of
5 Requests for Production of Documents on March 10, 2020;

6 5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1
7 Production of Documents and Witness List on March 10, 2020;

8 6. Plaintiff Mary Benson propounded her First Set of Requests for Production
9 of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

10 7. Plaintiff Mary Benson propounded her First Set of Requests for Production
11 of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

12 8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ.
13 P. 26.1 Production of Documents and Witness List on May 11, 2020;

14 9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set
15 of Requests for Production of Documents on May 11, 2020;

16 10. Defendant Las Vegas Metropolitan Police Department responded to
17 Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11,
18 2020;

19 11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1
20 Production of Documents and Witness List on February 23, 2021;

21 12. Plaintiff provided her Third Supplement to her Fed. R. Civ. P. 26.1
22 Production of Documents and Witness List on September 29, 2021;

23 13. Plaintiff provided her Initial Expert Disclosures on September 29, 2021;

24 14. Plaintiff provided her Second Set of Requests for Production to Defendants
25 on December 22, 2021;

26 15. Defendants responded to Plaintiff Mary Benson's Second Set of Requests
27 for Production of Documents on February 21, 2022;

28 16. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's Second

Set of Requests for Production of Documents on February 22, 2022;

17. Defendant LVMPD responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on February 22, 2022, and provided a supplemental response the same day; and

18. The Parties are working together to schedule depositions.

IV. DISCOVERY REMAINING

The Parties agree that the following discovery must be completed:

1. The deposition of Plaintiff;
2. The depositions of Defendants;
3. The depositions of witnesses;
4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable; and

V. CONCLUSION

Based on the above, requisite good cause exists to warrant an extension of the discovery deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by sixty (60) days in order to allow them to adequately complete discovery.

IT IS SO STIPULATED.

DATED this 10th day of January, 2023.

MARQUIS AURBACH

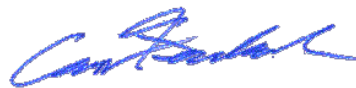
/s/ Nick D. Crosby
 Nick D. Crosby, NBN 8996
 10001 Park Run Drive
 Las Vegas, NV 89145
 Email: ncrosby@maclaw.com
 Attorney for LVMPD Defendants

DATED this 10th day of January, 2023.

MCLETCHIE LAW

/s/ Margaret A. McLetchie
 Margaret A. McLetchie, NBN 10931
 McLetchie Law
 602 South Tenth Street
 Las Vegas, NV 89101
 Email: maggie@nvlitigation.com
 Attorney for Mary Benson

IT IS SO ORDERED.



Cam Ferenbach
 United States Magistrate Judge

1-10-2023

DATED _____